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FILED

OCT 18 2012

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LISANDRO VARGAS,)
)
Defendant.)

No. CR 4-12-71129 KAW

51C
~~PROPOSED~~ ORDER AND STIPULATION
FOR CONTINUANCE FROM OCTOBER
18, 2012 TO NOVEMBER 30, 2012 AND
EXCLUDING TIME FROM THE SPEEDY
TRIAL ACT CALCULATION 18 U.S.C. §
3161 (H)(8)(A) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment r preliminary hearing date of November 30, 2012, at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161 (b) from October 18, 2012 to November 30, 2012. The parties agree, and the Court finds and holds as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(iv) to provide reasonable time necessary for effective preparation, taking into account

1 the exercise of due diligence.

2 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
3 preliminary hearing.


4 4. Counsel for the defense believes that postponing the preliminary hearing is in his
5 client's best interest, and that it is not in his client's best interest for the United States to indict
6 the case during the normal 14-day time limit established by Rule 5.1.

7 5. The Court finds that, taking into the account of the public interest in the prompt
8 disposition of criminal cases, these grounds are good cause for extending the time limits for a
9 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given theses circumstances,
10 the Court finds that the ends of justice are served by excluding the period from October 18, 2012,
11 to November 30, 2012, outweigh the best interest of the public and the defendant in a speedy
12 trial. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

13 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
14 hearing date before the duty magistrate on November 30, 2012, at 9:30 a.m., and orders the
15 period from October 18, 2012, to November 30 2012, be excluded from the time period for
16 preliminary hearings under the Federal Rule of Criminal Procedure 5.1 and from the Speedy Trial
17 Act calculations under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

18
19 IT IS SO STIPULATED

20
21 DATED: October 18, 2012



KEN WINE
Attorney for Defendant



SUSAN CUSHMAN
Assistant United States Attorney

22
23
24
25 IT IS SO ORDERED

26 DATED: 18 Oct 12



HON. BERNARD ZIMMERMAN
United States Magistrate Judge